

Serial No. 09/281,717

REMARKS

Claims 1 – 16, and 30 – 62 are pending and under consideration in the instant examination. Claims 34–43 are withdrawn. With this Response, Applicant cancels claims 44–50.

Examiner Moran is kindly thanked for pointing out the status of the claims in her Office Communication, mailed February 25, 2004, (“the Communication”) and for the opportunity to discuss the same by telephone, March 10, 2004.

In brief, the current listing of claims replaces all prior versions and listings of claims in the instant application, and is being submitted herewith in an effort to comply with the request, in the Communication, to clarify the status of the claims. Accordingly, the current listing identifies all claims as one of the following: “original”, “withdrawn”, “previously presented”, or “cancelled”. Furthermore, all mark-ups presented in the immediately previous amendment, filed December 16, 2003, have been removed from the instant listing, because it is assumed that such mark-ups have now been entered.

Applicants take this opportunity to make the following observations regarding the claims. As noted in the Communication, Applicants’ amendments of October 16, 2003, and December 16, 2003, were both entered upon entry of the RCE mailed December 16, 2003. Accordingly, claims 44–50 should not have been designated as “Not entered” in the amendment of December 16, 2003, but instead, should have been presented in full with an alternative designation. However, as has also been acknowledged, claims 44–50 are identical to claims 51–57. Accordingly, with the instant Amendment, Claims 44–50 have been cancelled.

It is hoped that the instant listing of claims is sufficient to rectify the issues presented in the Communication, and to ensure a swift resumption of prosecution on the merits.

CONCLUSION

In view of the remarks presented hereinabove, Applicants respectfully submit that the subject application is in good and proper order for allowance. Withdrawal of the Examiner’s rejections and early notification to this effect are earnestly solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned.

Serial No. 09/281,717

The Commissioner is authorized to charge any underpayment or credit any overpayment to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (order no. 61040-0008) for the appropriate amount. A copy of this sheet is attached.

Respectfully submitted,

Date: March 10, 2004

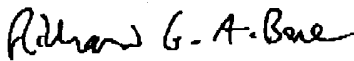
Richard G. A. Bone

Limited recognition under 37 C.F.R. § 10.9(b)
(Copy of certificate attached hereto.)

for Thomas D. Kohler, Reg. No. 32,797
MORGAN, LEWIS & BOCKIUS LLP
3300 Hillview Avenue
Palo Alto, CA 94304
(650) 493-4935

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on March 10, 2004 to facsimile telephone number 703-872-9306.



Richard G. A. Bone

March 10, 2004

Date


**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Dr. Richard G. A. Bone is hereby given limited recognition under 37 CFR §10.9(b) as an employee of Morgan, Lewis & Bockius LLP to prepare and prosecute patent applications wherein the patent applicant is the client of Morgan, Lewis & Bockius LLP, and the attorney or agent of record in the applications is a registered practitioner who is a member of Morgan, Lewis & Bockius LLP. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Dr. Richard G. A. Bone ceases to lawfully reside in the United States, (ii) Dr. Richard G. A. Bone's employment with Morgan, Lewis & Bockius LLP ceases or is terminated, or (iii) Dr. Richard G. A. Bone's current Employment Authorization card expires.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: November 11, 2004


Harry I. Moatz
Director of Enrollment and Discipline